

FILED

JUN 25 2021

IN THE UNITED STATES DISTRICT COURT

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY mlb DEP CLK

FOR THE EASTERN DISTRICT OF NORTH CAROLINA

Western DIVISION

James Mikolajczyk
v.

NO. 5:21-cv-71-BO

COMPLAINT

U.S. Army
HQ XVIII Airborne Corps
Fort Bragg, NC

Plaintiff resides at:

1922 Calista Circle
Fayetteville, NC 28304

Defendant(s)' name(s) and address(es), if known:

Commanding General
Lieutenant General (LTG) Michael E. Kunilla
HQ XVIII Airborne Corps & Fort Bragg
2175 Reilly Rd, Stop A
Fort Bragg, NC 28310

U.S. Army

Jurisdiction in this court is based on:

The jurisdiction in this court is based on the place of my court-martial at Fort Bragg, NC and my current address in Fayetteville, NC.

The acts complained of in this suit concern:

The acts complained of in this suit concern the U.S. Army's false conviction of me on January 2018. This conviction for Sexual Abuse of a Child under 12 (Article 1206 of the Uniform Code of Military Justice) resulted in me spending 15 months at the Midwest Joint Regional Correctional Facility (JRCF) at Fort Leavenworth, KS and subsequently having to register annually as a sex offender in North Carolina. I also lost all of my pension, my rank, and most of my benefits due to a Bad Conduct Discharge from the Army on 2 July 2020. The military prosecutors were malicious in their investigation and prosecution of my court-martial, ignoring a lying witness who was caught in the act and failing to submit any evidence to show I was guilty beyond reasonable doubt. North Carolina also investigated this same accusation, but dealt me a plea bargain. However, Child Protective Services and Fort Bragg ACS also found that I was not guilty of abuse, much less sexual

abuse. I submitted a memo from child forensic psychologist
Alicia Benedetto, who observed the court-martial as an expert
witness. Her notes give me reasonable doubt the Army refused
to consider. I have the entire court-martial transcript
and other docs from the investigation. Even the forensic
interviews with my daughter reveal she doesn't know the
definition of key words, and never says I molested her unless
told to by an adult. I have lost everything due to malicious
prosecution,

(If you need more space, or wish to include any further information for consideration, please attach additional sheets.)

I seek the following relief:

I seek relief in a full review of my court-martial to have
it completely overturned with prejudice. I want nothing
less than to be not-guilty, removed from the sex offender
registry, and to have my 20-year Army service restored
as Honorable with all of the associated benefits, retirement,
and respect. I also seek back-pay of my final rank (E-7)
from 2018 to now, and the restoration of my rank as SFC/E-7.

22 June 2021

DATE

SIGNATURE OF PLAINTIFF

James Mikolajczyk

1922 Galish Circle

Fayetteville, NC 28304

443-502-0388

ADDRESS AND PHONE NUMBER OF PLAINTIFF

Jurisdiction:

The jurisdiction in this court is based on the place of my military court-martial at Fort Bragg, NC and my current address in Fayetteville, NC.

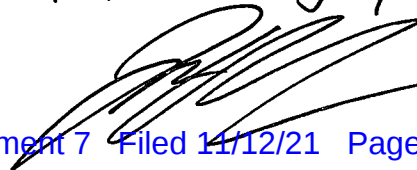
Complaint:

The acts complained of in this suit concern the U.S. Army's false conviction of me in January 2018. This conviction for Sexual Abuse of a Child under 12 (Art. 120b of the Uniform Code of Military Justice) resulted in me spending 15 months at the Midwest Joint Regional Correctional Facility (JRCF) at Fort Leavenworth, KS and subsequently having to register as a sex offender in North Carolina. I also lost all of my pension, my rank, and most of my benefits due to a Bad Conduct Discharge from the Army on 2 July 2020. The U.S. Army prosecutors were malicious in their investigation and prosecution of my court-martial, ignoring a lying witness who was caught in the act, and failing to submit any evidence to show I was guilty "beyond reasonable doubt" (required for a federal trial). North Carolina also investigated the same accusation, but dealt me a plea bargain. However, Child Protective Services and Fort Bragg Army Community Services (ACS) also found I was not guilty of abuse, much less sexual abuse. I submitted a memo from child forensic psychologist Alicia Benedetto, who observed the court-martial as an expert witness. Her notes gave me reasonable doubt the Army refused to consider. I have the entire court-martial transcript and other documents from the investigation. Even the forensic interviews with my daughter reveal she doesn't know the definitions of key words, and never says I molested her unless told to by an adult. She was an impressionable 3 year-old when the police first interviewed her, but almost 6 at the court-martial (meaning she had prior 3 years of brainwashing by my ex-wife, my accuser). I have lost everything due to malicious prosecution.

Relief:

I seek relief in a total federal review of my court-martial to have it completely overturned with prejudice. I want nothing less than to be not-guilty, removed from the sex offender registry, and to have my 20-year Army service restored as Honorable with all of the associated benefits, retirement, and respect. I also seek back-pay from my final rank of Sergeant First Class (E-7) estimated at about \$244,986, and the restoration of my rank to Sergeant First Class (E-7). I also seek another \$250,000, the amount of my former Servicemembers' Group Life Insurance (SGLI) policy, in damages—this is the Army's official value of my life which they devalued by a false conviction.

James Mikolajczyk



22 Jun 21